

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

WALTER R. CLAY,)
)
Petitioner,)
)
v.) Case No.: 2:16-cv-585-MHH-SGC
)
LEON BOLLING, Warden, et al.,)
)
Respondents.)

MEMORANDUM OPINION

This is a *pro se* petition for writ of habeas corpus filed by Walter R. Clay pursuant to 28 U.S.C. § 2254. On July 11, 2019, the magistrate judge entered a report recommending the petition be denied as untimely. (Doc. 8). The magistrate judge further recommended denial of a certificate of appealability. (*Id.*). The magistrate judge advised Mr. Clay of his right to file specific written objections within 14 days; no objections have been received by the court.

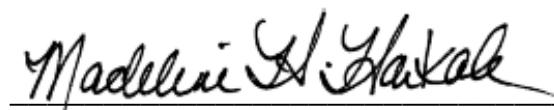
A district court “may accept, reject, or modify, in whole or part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). A district court reviews legal conclusions in a report *de novo* and reviews for plain error factual findings to which no objection is made. *Garvey v. Vaughn*, 993 F.2d 776, 779 n. 9 (11th Cir. 1993); *see also LoConte v. Dugger*, 847 F.2d 745, 749 (11th Cir. 1988); *Macort v. Prem, Inc.*, 208 Fed. Appx. 781, 784 (11th Cir. 2006).

After careful consideration of the record in this case, including Mr. Clay's arguments (Doc. 7) and the magistrate judge's report, the Court adopts the report accepts the magistrate judge's recommendations. Although Mr. Clay contends that his attorney in the state criminal proceedings did not forward records to him after the Alabama Supreme Court denied his petition for a writ of certiorari, Mr. Clay does not contend that his lawyer concealed the Alabama Supreme Court's decision. The Court finds no plain error in the magistrate judge's description of the facts of this case, and the Court agrees that Mr. Clay's habeas petition is untimely.

A separate order will be entered.

The Clerk of Court is DIRECTED to please serve a copy of this memorandum opinion and the accompanying final judgment on Mr. Clay and on counsel of record.

DONE this 31st day of July, 2019.



MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE